

**MINUTES**

**MONTANA SENATE  
56th LEGISLATURE - REGULAR SESSION  
FREE CONFERENCE COMMITTEE ON HB 2**

**Call to Order:** By **CHAIRMAN CHUCK SWYSGOOD**, on April 20, 1999 at 9:15 A.M., in Room 312-2 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Chuck Swysgood, Chairman (R)  
Sen. Arnie Mohl, (R)  
Sen. Linda Nelson (D)  
Rep. Tom Zook, Chairman (R)  
Rep. Ernest Bergsagel (R)  
Rep. Joe Quilici (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Shannon Gleason, Committee Secretary  
Clayton Schenck, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 2, 4/18/1999  
Executive Action: Amendments and HB2

**Motion/Vote:** REP. BERGSAGEL moved that **AMENDMENT HB000264.ATP EXHIBIT(frs86hb0002a01)** BE ADOPTED. Motion carried unanimously.

**Motion:** REP. BERGSAGEL moved that **AMENDMENT HB000265.ARL EXHIBIT(frs86hb0002a02)** BE ADOPTED.

**Discussion:**

**CHAIRMAN SWYSGOOD** asked why the need for FTE. **Pat Graham**, Department of Fish, Wildlife, and Parks (**DFWP**), advised they anticipated the program would be a large success, with 175,000 people participating in it.

**SEN. MOHL** questioned the fee structure. **Mr. Graham** advised the fee for residents it would be a \$2.00 increase, and the non-residents fee would be \$20.00.

**SEN. MOHL** noted the funding in the amendment was only good through 2001 and asked if the program was sun setting in 2001. **Mr. Graham** advised it would not.

**Vote:** Motion carried unanimously.

**Motion:** **REP. ZOOK** moved that **AMENDMENT HB000269.ARL EXHIBIT(frs86hb0002a03)** BE ADOPTED.

**Discussion:**

**Pat Graham**, **DFWP**, explained the program and the need for additional FTE.

**Vote:** Motion failed 3-3 with Mohl, Bergsagel, and Quilici voting aye.

**Motion:** **SEN. NELSON** moved that **AMENDMENT HB000283.AGD EXHIBIT(frs86hb0002a04)** BE ADOPTED.

**Discussion:**

**General Prendergast** did not object to the amendment and passed out **EXHIBIT(frs86hb0002a05)**.

**SEN. MOHL** was concerned because there was no legislative oversight.

**SEN. NELSON** amended the amendment to include the Finance Committee as an overseer.

**REP. ZOOK** felt there was already enough oversight with the Federal government being involved and resisted the amendment.

**SEN. NELSON** felt oversight was important because the program was costing \$14,000.00 per child.

**Vote:** Motion failed 3-3 with Mohl, Nelson, and Quilici voting aye.

Recess was called until 6:00 PM

**Motion/Vote:** REP. BERGSAGEL moved AMENDMENT HB000285.AGD BE RECONSIDERED. Motion carried unanimously.

**Discussion:**

Debbie Alka, Department of Transportation advised the amount needed to be changed to \$295,400.00

**Motion/Vote:** REP. BERGSAGEL moved to AMEND AMENDMENT HB000285.AGD TO REFELCT \$295,400. BE ADOPTED. Motion carried unanimously.

**Motion/Vote:** REP. BERGSAGEL moved AMENDMENT HB000266.ACS BE REPLACED BY HB000281.ASC EXHIBIT(frs86hb0002a06). Motion carried unanimously.

**Motion/Vote:** SEN. MOHL moved to RECONSIDER ACTION ON HB000269.ARL. Motion carried unanimously.

**Motion/Vote:** REP. ZOOK moved that AMENDMENT HB000269.ARL BE ADOPTED. Motion carried unanimously.

**Motion:** SEN. NELSON moved that AMENDMENT HB000287.AGD EXHIBIT(frs86hb0002a07) BE ADOPTED.

**Discussion:**

SEN. NELSON wanted this to be a one-time only funding so the program would be reviewed. SEN. NELSON advised the Federal match was decreasing.

General Prendergast agreed with the amendment.

SEN. NELSON asked if the 20 people needed to run the program were included in the appropriation request. General Prendergast advised the FTE to run the program would be 40, and they were included in the request. SEN. NELSON asked if the \$2,200.00 stipend and travel was included. The General advised it was.

**Vote:** Motion carried unanimously.

**Motion/Vote:** REP. ZOOK moved that AMENDMENT HB000272.AGD  
**EXHIBIT**(frs86hb0002a08) BE ADOPTED. Motion carried unanimously.

**Motion:** SEN. NELSON moved that AMENDMENT HB000282.ASC  
**EXHIBIT**(frs86hb0002a09) BE ADOPTED.

**Discussion:**

SEN. CHRISTIAENS explained his concern that the three existing regional prisons would not be able to repay their bonding if the amendment was not passed.

Joe Williams, Department of Corrections, advised the counties agreed to the current occupancy requirements at the onset of the program.

CHAIRMAN SWYSGOOD expressed concern with the contract for the private facility in Shelby. The committee did not believe there was wording in the contract to require the up-front money to be repaid if the inmate population fell below the projected figures. Mr. Williams advised it may not state that in the contract but it was his and he believed legal counsel's interpretation that was the agreement. {Tape : 1; Side : B; Approx. Time Counter : 6:20}

**Vote:** Motion failed 0-6.

**Motion:** REP. QUILICI moved that AMENDMENT HB000260.AGD  
**EXHIBIT**(frs86hb0002a10) BE ADOPTED.

**Discussion:**

Linda Anderson, Montana Association of Planners, explained the background and advised the funding was from the unspent coal severance set aside.

REP. ZOOK asked if any funds would have been reverted to the General Fund. Ms. Anderson advised they would have.

**Vote:** Motion failed 2-4 with Nelson and Quilici voting aye.

**Motion:** REP. ZOOK moved AMENDMENT HB000289.ALT BE RECONSIDERED.  
Motion carried unanimously.

**Motion/Vote:** REP. ZOOK moved that AMENDMENT HB000291.alt  
**EXHIBIT**(frs86hb0002a11) BE ADOPTED. Motion carried unanimously.

**Motion:** REP. ZOOK moved that AMENDMENT HB000258.ASC  
**EXHIBIT**(frs86hb0002a12) BE ADOPTED.

**Discussion:**

**CHAIRMAN SWYSGOOD** explained the dilemma with the license plate fees showing as both a revenue increase and loss. The committee decided they would have a problem if they did not pass the amendment.

**REP. QUILICI** felt the new plates would pay for themselves.

**Vote:** Motion carried unanimously.

**Motion:** **REP. ZOOK** moved that **AMENDMENT HB000270.ASC EXHIBIT(frs86hb0002a13)** BE ADOPTED.

**Discussion:**

**SEN. MOHL** questioned the need for \$90,000.00. **Dean Roberts**, Department of Motor Vehicles, stated the money would be spent on postage and programming.

**SEN. MOHL** requested the amendment be amended to \$45,000.00.

**Vote:** Motion carried 4-2 with Swysgood and Quilici voting no.

**CHAIRMAN SWYSGOOD** advised **SB 482** was not going to pass in the same form the committee thought. There was debate by the committee if the bill was amended to require a study if the money in amendment **HB000266.agd** would be appropriated.

**Motion/Vote:** **REP. ZOOK** moved **AMENDMENT HB000266.AGD** BE RECONSIDERED. Motion carried unanimously.

**Motion:** **REP. BERGSAGEL** moved that **AMENDMENT HB000286.AGD EXHIBIT(frs86hb0002a14)** BE ADOPTED.

**Discussion:**

**REP. BERGSAGEL** wanted it clear that if the study was required there would be no money for the study.

**Vote:** Motion carried unanimously.

**Motion/Vote:** **REP. BERGSAGEL** moved **CLOSE ALL SECTIONS INCLUDING THE BOILERPLATE IN HB 2.** Motion carried unanimously.

**Motion/Vote:** REP. BERGSAGEL moved THE FREE CONFERENCE COMMITTEE  
REPORT ON HB 2 BE ADOPTED. Motion carried unanimously.

**ADJOURNMENT**

Adjournment: 6:50 P.M.

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SEN. CHUCK SWYSGOOD, Chairman

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SHANNON GLEASON, Secretary

CS/SG

**EXHIBIT** (frs86hb0002aad)